

108TH CONGRESS
1ST SESSION

S. 269

AN ACT

To amend the Lacey Act Amendments of 1981 to further
the conservation of certain wildlife species.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Captive Wildlife Safety
5 Act”.

1 **SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

2 Section 2 of the Lacey Act Amendments of 1981 (16
3 U.S.C. 3371) is amended—

4 (1) by redesignating subsections (g) through (j)
5 as subsections (h) through (k), respectively; and

6 (2) by inserting after subsection (f) the fol-
7 lowing:

8 “(g) PROHIBITED WILDLIFE SPECIES.—The
9 term ‘prohibited wildlife species’ means—

10 “(A) any live species of lion, tiger, leopard,
11 cheetah, jaguar, or cougar; and

12 “(B) any live hybrid of any of those spe-
13 cies.”.

14 **SEC. 3. PROHIBITED ACTS.**

15 (a) IN GENERAL.—Section 3 of the Lacey Act
16 Amendments of 1981 (16 U.S.C. 3372) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2)—

19 (i) in subparagraph (A), by striking “,
20 or” at the end and inserting a semicolon;

21 (ii) in subparagraph (B), by inserting
22 “or” after the semicolon at the end; and

23 (iii) by adding at the end the fol-
24 lowing:

25 “(C) any prohibited wildlife species (sub-
26 ject to subsection (e));”;

1 (B) in paragraph (3)(B), by inserting “or”
 2 after the semicolon at the end; and

3 (C) in paragraph (4), by striking “para-
 4 graphs (1) through (4)” and inserting “para-
 5 graphs (1) through (3)”;

6 (2) by adding at the end the following:

7 “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE
 8 SPECIES OFFENSE.—

9 “(1) IN GENERAL.—Subsection (a)(2)(C) does
 10 not apply to—

11 “(A) any exhibitor or research facility li-
 12 censed or registered and inspected by a Federal
 13 agency;

14 “(B) any sanctuary, humane society, ani-
 15 mal shelter, or society for the prevention of cru-
 16 elty to animals that—

17 “(i)(I) is an organization described in
 18 section 501(c)(3) of the Internal Revenue
 19 Code of 1986 that is exempt from taxation
 20 under section 501(a) of that Code; and

21 “(II) is an organization described in
 22 section 170(b)(1)(A)(vi) of that Code;

23 “(ii) does not engage in commercial
 24 trade of animals listed in section 2(k) (in-
 25 cluding any sale of animals, animal parts,

byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

“(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

“(iv) does not—

“(I) allow unescorted public visitation or direct contact between the public and wild animals; or

“(II) take animals from a sanctuary or enclosure for exhibition; and

“(v) maintains exceptional standards of animal care;

“(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

“(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

1 “(E) any person having custody of a wild
 2 animal solely for the purpose of expeditiously
 3 transporting the animal to a person referred to
 4 in this paragraph.

5 “(2) REGULATIONS.—Not later than 180 days
 6 after the date of enactment of this subsection, the
 7 Secretary, in cooperation with the Director of the
 8 Animal and Plant Health Inspection Service and in
 9 consultation with the heads of other relevant Federal
 10 agencies, shall promulgate regulations describing the
 11 persons or entities to which paragraph (1) applies.

12 “(3) STATE AUTHORITY.—Nothing in this sub-
 13 section preempts or supersedes the authority of a
 14 State to regulate wildlife species within that State.”.

15 (b) APPLICATION.—Section 3(a)(2)(C) of the Lacey
 16 Act Amendments of 1981 (as added by subsection
 17 (a)(1)(A)(iii)) shall apply beginning on the effective date
 18 of regulations promulgated under section 3(e)(2) of that
 19 Act (as added by subsection (a)(2)).

Passed the Senate October 31, 2003.

Attest:

Secretary.

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